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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,235	12/18/2001	Michael A. Murphy	1865.1-4	9798
24243 7590 07/10/2008 CHARMASSON, BUCHACA & LEACH, LLP 1545 HOTEL CIRCLE SOUTH, SUITE 150 SAN DIEGO, CA 92108-3426				
EXAMINER				
WARD, PAUL V				
ART UNIT		PAPER NUMBER		
1624				
MAIL DATE		DELIVERY MODE		
07/10/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/017,235

Applicant(s)

MURPHY ET AL.

Examiner

PAUL V. WARD

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-9, 14-17, 25, 29, 38, 44-61 and 65-105 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 2-9, 14-17, 25, 29, 38, 44-61 and 65-105 is/are rejected.
- 7) ☒ Claim(s) 2-3 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 6/7/04 & 3/19/02.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of compound No. 3 in the reply filed on April 2, 2007 is acknowledged.

Applicant reserved the right to file a divisional application to the non-elected subject matter.

An action on the merits on claims 2-9, 14-17, 25, 29, 38, 44-61 and 65-105 is contained herein.

Claim Objections

Claims 2-3 are objected to because of the following informalities:

1. Claim 2 does not end in a period. Appropriate correction is required.
2. Examiner suggests that the formulae (structures) in claims 2 and 3 be labeled, for example, "formula I" and "formula II" and so forth.

Specification

Abstract

3. Applicant is reminded of the proper content of an Abstract of the Disclosure.

In chemical patent abstracts for compounds or compositions, the general nature of the compound or composition should be given as well as its use, *e.g.*, "The compounds are of the class of alkyl benzene sulfonyl ureas, useful as oral anti-diabetics." Exemplification of a species could be illustrative of members of the class. For processes, the type reaction, reagents and process conditions should be stated, generally illustrated by a single example unless variations are necessary.

Complete revision of the content of the abstract is required on a separate sheet.

Claim Rejections - 35 USC § 112, first paragraph

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 2-9, 14-17, 25, 29, 38, 44-61 and 65-105 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claims contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention without undue experimentation.

Claims 2-9, 14-17, 25, 29, 38, 44-61 and 65-105 are directed to a method of synthesizing polyamines, polyamine vanadium or chromium complex compounds containing a plethora recognized actions (e.g., such as competitive inhibition of uptake of xenobiotics at the polyamine transport site, and for use in experimental treatment of degenerative disease and mitochondrial genetic defects), comprising the conversion of a compound with another compound. The claims are rejected for lack of enablement because there is an insufficient teaching of how to use the claimed recognized action as claimed in synthesizing the compounds. The phrase "method of synthesizing" specifies that a compound is being made and not that there is some type of therapeutic benefit being sought from some property of synthesizing the compounds. Thus, Applicant has not taught how to use the recognized action of the invention (e.g., steric shielding of DNA from organic molecules by compacting DNA) in regards to synthesizing the compounds.

Claims 3-9, 14-17, 25, 29, 38, 44-61 and 65-105 are rejected because they dependent on a rejected based claim.

Examiner suggests that applicant delete the recognized actions from claim 2 to read "A method of synthesizing a collection of polyamines, and polyamine vanadium or chromium complex compounds comprising converting by treatment with an alkyl halide a compound taken from a group consisting of those compounds having the formula...".

Conclusion

Claims 2-9, 14-17, 25, 29, 38, 44-61 and 65-105 are pending. Claims 2-9, 14-17, 25, 29, 38, 44-61 and 65-105 are rejected. No claims are allowed.

Claims 2-9, 14-17, 25, 29, 38, 44-61 and 65-105 will be allowed if the claims are amended to: (1) overcome Examiners objections; and (2) delete the recognized actions (e.g., competitive inhibition of uptake of xenobiotics at the polyamine transport site) from the claims to overcome Examiner rejection under Claim Rejections - 35 USC § 112, first paragraph.

The prior art does not teach a method of synthesizing a collection of polyamines, and polyamine vanadium or chromium complex compounds substituted in the manner claimed by the Applicant. Thus, the methods, if amended, would neither be found to be obvious nor anticipated by the prior art of record. If amended as suggested by the Examiner, the prior art would not teach or suggest the presently claimed methods.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL V WARD whose telephone number is 571-272-2909. The examiner can normally be reached on M-F 8 am to 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James O Wilson can be reached on 571-272-0661. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**/James O. Wilson/
Supervisory Patent Examiner
Technology Center 1600**

Application Number**Application/Control No.**

10/017,235

Examiner

PAUL V. WARD

**Applicant(s)/Patent under
Reexamination**

MURPHY ET AL.

Art Unit

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